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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

GURJIT S. DOAD and SARABJIT DOAD,
husband and wife and their marital
community,

Case No. 3:21-cv-00645-JR

Plaintiffs,

v.

C.R. ENGLAND, INC., a foreign corporation;
LEROY TILLMAN, JR. and JANE DOE
TILLMAN, husband and wife and their
marital community' and DOES 1-X,

**DECLARATION OF JASON P.
EVANS IN SUPPORT OF
DEFENDANTS' BILL OF COSTS**

Defendants.

I, Jason P. Evans, hereby declare as follows:

1. I am an attorney for the Defendants in the above captioned matter. I have knowledge of the matters set forth in in this Declaration.
2. On or about August 26, 2022, Defendants made an Offer of Judgment to Plaintiffs

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in the amount of \$300,001 (“Offer”). A true and accurate copy of the Offer is attached as **Exhibit 1**.

3. Through silence and the operation of Rule 68 of the Federal Rules of Civil Procedure, Plaintiffs rejected Defendants’ Offer, causing Defendants to incur substantially all the costs and disbursements requested in Defendants’ Bill of Costs.

4. In support of Defendants’ Bill of Costs, Defendants submit the following itemization and exhibits for the requested costs pursuant to 28 U.S.C. §1920, 28 U.S.C. §1821, Rule 54 of the Federal Rules of Civil Procedure, Local Rule 54-1, and the Judgment entered on December 5, 2022, in favor of Defendants (ECF No. 99).

5. The following costs, including services for which fees have been charged and necessarily performed, are correct, were actually and necessarily incurred by Defendants in this matter, and have either been paid by Defendants or the obligation for payment has been incurred. Each of the requested costs is properly taxed against Plaintiffs for the reasons explained below.

Fees of the Clerk

6. Defendants incurred \$402 in Clerk’s fees for the filing of their Notice of Removal in this Court. A true and accurate copy (with non-related line items redacted) of counsel’s accounting statement documenting this charge is attached as **Exhibit 2**.

Fees for Printed/Electronically Recorded Transcripts

7. Defendants request reimbursement for fees incurred relating to transcripts necessarily obtained for use in this case totaling \$2,758.08. True and accurate copies of the supporting invoices are attached as **Exhibits 3 to 6**. These amounts are accurately summarized in the chart below:

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Ex.	Date	Description	Company	Cost
3	1/3/2022	Reporter's fee and cost of deposition transcript (original and certified copies) for Plaintiff Gurjit Doad. Cost of conference facility rental. Cost of delivery.	Magna Legal Services	\$1,778.70
4	6/20/22	Cost of deposition transcript (original and certified copies) for Plaintiff Sarabjit Doad. Cost of delivery.	Magna Legal Services	\$328.33
5	4/11/22	Cost of deposition transcript of Defendant Leroy Tillman, Jr. Cost of exhibit production.	Chapin Court Reporting	\$221.00
6	12/5/22	Cost of rough draft trial testimony transcript of Plaintiff Gurjit Doad	Kellie Humiston	\$430.05
			Total:	\$2,758.08

8. Defendants request costs of the depositions taken of both Plaintiffs (Mr. and Ms. Doad), as well as the cost of obtaining the deposition transcript of the deposition of Mr. Tillman, which was conducted at the request of Plaintiffs. Each of these depositions was necessarily obtained for use in the preparation of Defendants' case, including for reasonable trial preparation. The Plaintiffs, Mr. and Ms. Doad, filed this lawsuit. Their depositions were essential to Defendants' defense in this case.

9. Defendants also request costs of the rough draft, daily trial transcripts obtained for the trial testimony of Plaintiff Gurjit Doad. These daily trial transcripts were necessarily obtained for use in Defendants' reasonable trial preparation.

Fees for Witnesses

10. Defendants seek recovery of witness fees in the amount of \$399.21. This amount represents the actual cost of subsistence allowance expenses for defense witness Greg Gossling, who resides in Salt Lake City, Utah. *See* 28 U.S.C. §1821(d)(1). A true and accurate copy of Mr. Gossling's lodging invoice is attached as **Exhibit 7**.

11. The requested subsistence allowance to Mr. Gossling is proper under 28 U.S.C.

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§1821(d)(1) because the location of trial (Portland, Oregon) was so far removed from his residence (Salt Lake City, Utah), that he was prohibited from returning thereto from day to day.¹

Fees for Exemplification and the Costs of Making Copies of Any Materials where the Copies are Necessarily Obtained for Use in the Case

12. Defendants request costs for the cost of processing and preparing the video evidence used at trial for impeachment purposes in this case. True and accurate copies of invoices for all such costs incurred by Defendants are attached as **Exhibits 8 and 9** and are summarized in the chart below:

Ex.	Date	Description	Company	Cost
8	11/23/22	Cost of video processing and editing of surveillance footage taken in/around July 2022 and later used as impeachment evidence at trial.	River City Media, LLC	\$151.25
9	12/5/22	Cost of video processing and editing of surveillance footage taken during trial and later used as impeachment evidence at same trial.	River City Media, LLC	\$62.50
			Total:	\$213.75

13. Defendants are entitled to recover “[f]ees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.” 28 U.S.C. §1920(4). “Copying costs for documents produced to opposing parties in discovery, submitted to the court for consideration of motions, *and used as exhibits at trial* are recoverable.” *Hunt v. City of Portland*, 2011 WL 3555772, *11 (D. Or. Aug. 11, 2011) (internal citations omitted, emphasis added).

Docket Fees Under 28 U.S.C. §1923

14. Pursuant to 28 U.S.C. §1923, the prevailing party is entitled to a \$20 docket fee. Therefore, Defendants request a total docket fee of \$20.

¹ By car, Salt Lake City is approximately 765 miles from Portland. Flights between the two cities generally range from 1.5-2 hours.

Other Costs

15. Defendants request “other costs” in the amount of \$1,037.20. This amount represents the actual cost of common carrier travel expenses for defense witness Greg Gossling, who resides in Salt Lake City, Utah. *See* 28 U.S.C. §1821(c)(1). A true and accurate copy of Mr. Gosling’s airfare invoice is attached as **Exhibit 10**.

16. It is the standard practice of Sussman Shank, LLP to utilize the most reasonable means of transportation, shortest practical route, and most economical rates reasonably available when booking travel—including airfare—for case-related matters.

17. Plaintiffs had the opportunity to resolve this case in August 2022 by accepting Defendants’ Offer of Judgment. If Plaintiffs had accepted the Offer, Defendants could have avoided incurring virtually all of the costs sought in Defendants’ Bill of Costs since most of the identified costs were incurred after the Offer was served. Instead, Plaintiffs elected to proceed, causing Defendants to incur significant costs. This Court properly entered judgment in favor of Defendants and against Plaintiffs on December 5, 2022, and should now award Defendants the full amount sought in their Bill of Costs.

18. Based on all the facts and circumstances in this case, Defendants are entitled to recovery of costs and disbursements in the sum of \$4,830.24.

19. I declare under penalty of perjury under the laws of the United States of America and the state of Oregon that the foregoing is true and correct.

DATED this 9th day of December, 2022.

SUSSMAN SHANK LLP

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